

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10-cv-63-FDW
(3:07cr252; 3:08cr43; 3:08cr47)

RICKY DEAN WATSON,)
Petitioner,)
v.) **ORDER**
UNITED STATES OF AMERICA,)
Respondent.)

This matter is before the Court on Petitioner's Motion for Reconsideration, (Doc. No. 17), of the Court's prior Order denying and dismissing Petitioner's Motion to Reopen Case as an unauthorized, successive Section 2255 petition.

Petitioner's Motion for Reconsideration is denied, as his arguments are without merit. Petitioner contends that this Court violated the rule set forth in Castro v. United States, 540 U.S. 375 (2003), by failing to give Petitioner notice before recharacterizing his Motion to Reopen Case as a successive Section 2255 petition. Notice under Castro is only required, however, when a court recharacterizes a pro se litigant's motion as a first Section 2255 petition. Id. at 383.

IT IS HEREBY ORDERED that Petitioner's Motion for Reconsideration, (Doc. No. 17), is **DENIED**.

Signed: June 18, 2014



Frank D. Whitney
Chief United States District Judge
